

AMENDED IN SENATE SEPTEMBER 8, 2003

AMENDED IN SENATE SEPTEMBER 3, 2003

AMENDED IN SENATE JULY 17, 2003

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY APRIL 22, 2003

AMENDED IN ASSEMBLY APRIL 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1360

Introduced by Assembly Member Steinberg

February 21, 2003

An act to add Chapter 4 (commencing with Section 71080) to Part 2 of Division 34 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1360, as amended, Steinberg. Environmental quality: environmental indicators.

Existing law requires the Secretary for Environmental Protection, on or before January 1, 2002, to convene a Working Group on Environmental Justice to assist the California Environmental Protection Agency (Cal/EPA) in developing, on or before July 1, 2002, an agencywide strategy for identifying and addressing gaps in existing programs, policies, or activities that may impede the achievement of environmental justice.

This bill would require the Office of Environmental Health Hazard Assessment (OEHHA), on behalf of the office of the Secretary for Environmental Protection, beginning on July 1, 2004, and, to the extent that funds are appropriated by the Legislature, to develop and maintain a system of environmental indicators that meets specified objectives. The bill would define the term “environmental ~~indicator~~”- *indicator*.” The bill would require the Secretary of the Cal/EPA to periodically assess the ability of the environmental indicators system to meet each of those objectives and the ability of the system to support the development and implementation of the agencywide environmental justice strategy. The bill would require the Secretary of the CAL/EPA to submit a report on those environmental indicators to the Governor and the Legislature on or before January 1, 2006, and by January 1 every two years thereafter.

The bill would require the OEHHA to be the lead agency for developing new environmental indicators, for modifying, deleting, and updating existing environmental indicators, and for developing and maintaining an environmental indicator database. The bill would require the OEHHA to consult with other state agencies, as specified *and would authorize OEHHA to hold public meetings to receive comments*. The bill would also require the OEHHA to lead an intra-agency workgroup consisting of representatives from each board, department, and office within the Cal/EPA. The OEHHA would be required to consult with that intra-agency workgroup regarding various activities.

The bill would state the Legislature’s intent that the Secretary for Environmental Protection, the Secretary of the Resources Agency, and the Director of the Department of Health Services in conjunction with other specified entities, use environmental indicators, where applicable, in the development of the budget proposals for 2005–06 and future budget years, and require budget change proposals to indicate how the proposals would affect specified environmental indicators.

The bill would require that a budget change proposal submitted to the Legislature by a board, department, or office within the California Environmental Protection Agency or the Resources Agency describe how the proposal would affect specified environmental indicators. The bill would require any board, department, or office within Cal/EPA to explain how their bond programs relate to or affect environmental indicators.



Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 (commencing with Section 71080) is added to Part 2 of Division 34 of the Public Resources Code, to read:

CHAPTER 4. ENVIRONMENTAL PROTECTION INDICATORS FOR CALIFORNIA

71080. The Legislature finds and declares the following:

(a) Traditionally, many of California's environmental programs have assessed their performance using measures of activity, including, for example, the number of permits granted or regulatory standards adopted. Addressing the complex environmental challenges of the 21st century will require new approaches that rely on better information from objective and scientifically based environmental indicators. Over the years, substantial efforts have been devoted toward this end, yet historically there have been very few meaningful, objective measures with which to determine the environmental impacts of these efforts.

(b) The California Environmental Protection Agency has made a commitment to move away from measures of activity, and instead focus on measurable environmental results to judge program performance. To support this commitment, the California Environmental Protection Agency established the Environmental Protection Indicators for California (EPIC) Project in 2000, and charged EPIC with developing and maintaining a comprehensive set of environmental indicators, which are scientific measurements of environmental conditions and trends. To ensure that the development of indicators was based on sound science, the California Environmental Protection Agency designated its Office of Environmental Health Hazard Assessment to lead the effort. The California Environmental Protection Agency, working in partnership with the Resources Agency and in cooperation with the Department of Health Services, released a report containing the initial set of 84 environmental indicators in April 2002.

1 (c) Objective and scientifically based environmental
2 indicators improve our understanding of the environment and how
3 human activities and other factors can influence it. The indicators
4 establish a scientific basis for evaluating the effectiveness of
5 environmental programs and identifying the need for specific
6 actions to improve environmental conditions throughout the state
7 and the disproportionate impact on low-income communities and
8 communities of color. Decisions to create, modify, or eliminate
9 California Environmental Protection Agency policies and
10 programs need to be driven by information reflected by
11 environmental indicators; and, to the extent feasible, budget
12 decisions should include a reference as to how the proposed
13 change is intended to impact a relevant environmental indicator.

14 (d) To ensure the credibility of objective and scientifically
15 based environmental indicators, a qualified scientific body with
16 expertise in environmental and public health protection should
17 provide input into the selection and development of the indicators.

18 (e) To ensure the relevance of the environmental indicators,
19 input should be sought from a broad range of stakeholders.

20 (f) It is the intent of the Legislature that the Secretary for
21 Environmental Protection, the Secretary of the Resources Agency,
22 and the Director of the Department of Health Services in
23 conjunction with the boards, departments, and offices in their
24 respective agencies, use environmental indicators, where
25 applicable, in the development of the budget proposals for the
26 2005–06 fiscal year and each fiscal year thereafter.

27 71081. (a) Beginning on July 1, 2004, to the extent that funds
28 are appropriated by the Legislature for this purpose, the office, on
29 behalf of the office of the secretary, shall develop and maintain a
30 system of environmental indicators. The office shall develop and
31 maintain the system to meet all of the following objectives for
32 using environmental indicators:

33 (1) Provide policymakers and the public with an improved
34 understanding of the condition of the state's environment and the
35 effects of the release of contaminants on public health and the
36 environment.

37 (2) Provide policymakers and the public with information to
38 evaluate the effectiveness of the agency's programs in improving
39 environmental quality and protecting public health throughout the



1 state, including environmental quality and public health in
2 low-income communities and communities of color.

3 (3) Assist in the development and modification of agency
4 programs, plans, and policies as environmental conditions change
5 over time.

6 (4) Assist the agency in making budget decisions that address
7 the most significant environmental concerns.

8 (b) The following definitions apply to this section:

9 (1) “Agency” means the California Environmental Protection
10 Agency.

11 (2) “Environmental indicator” means an objective and
12 scientifically based measure that represents information on
13 environmental conditions, releases of contaminants into the
14 environment, or the effects of those releases.

15 (3) “Office” means the Office of Environmental Health
16 Hazard Assessment.

17 (4) “Secretary” means the Secretary for Environmental
18 Protection.

19 (c) The secretary shall submit a report on the environmental
20 indicators developed pursuant to this chapter to the Governor and
21 the Legislature on or before January 1, 2006, and by January 1
22 every two years thereafter. The report shall include a discussion as
23 to the manner in which the environmental indicators are being used
24 by the agency to meet the objectives set forth in subdivision (a).
25 The office shall make the report available to the public on its Web
26 site. The office shall include on its Web site any additional relevant
27 information in support of those environmental indicators and shall
28 update that information posted on the Web site as new information
29 becomes available.

30 (d) The office shall be the lead agency for developing new
31 environmental indicators, for modifying, deleting, and updating
32 existing environmental indicators, and for developing and
33 maintaining an environmental indicator database. The office shall
34 lead an intra-agency workgroup, consisting of representatives
35 from each of the boards, departments, and offices within the
36 agency. The office shall consult with the intra-agency workgroup
37 in developing and maintaining the environmental indicators,
38 program planning, policy formulation, and other decisionmaking
39 processes, and in drafting the report required under subdivision
40 (c).

(e) In developing and maintaining the environmental indicators, the office shall consult with the Resources Agency, the State Department of Health Services, and other state agencies as appropriate.

(f) The office may utilize information for indicators that is not collected by other boards and departments within the agency and may identify and establish new indicators.

(h) *In implementing this section, the office may hold public meetings to receive comments from a broad range of stakeholders, including, but not limited to, local government, the regulated community, nongovernmental organizations, and other groups with an interest in environmental issues.*

(i) The office shall consult with the scientific review panel ~~established pursuant to Article 5 (commencing with Section 39670) of Chapter 3.5 of Part 2 of Division 26 of the Health and Safety Code~~ *in established pursuant to Section 50.8 of the Labor Code for the purpose of establishing, updating, and evaluating environmental indicators.*

~~(i)~~

(j) The secretary shall periodically assess the ability of the environmental indicators system to meet each of the objectives cited in subdivision (a) and the ability of the system to support the development and implementation of the agencywide environmental justice strategy pursuant to Section 71113.

71082. (a) As appropriate, a budget change proposal submitted to the Legislature by a board, department, or office within the California Environmental Protection Agency or the Resources Agency shall describe how the proposal would affect any applicable “Type I” environmental indicator. To the extent that a budget change proposal relates to a “Type II” or “Type III” environmental indicator, the budget change proposal shall reference what data collection and further analysis is needed before the environmental status or trend that is the subject of the indicator may be presented.

(b) A board, department, or office within the California Environmental Protection Agency shall explain how its bond programs relate to or affect environmental indicators.